

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Larry R. Bingman

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Plaintiff

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v.

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Civil Action No.: MJG-13-cv-2678

Baltimore County

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Defendant

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**BALTIMORE COUNTY’S MOTION FOR JUDGMENT PURSUANT TO RULE 50 OR
IN THE ALTERNATIVE, MOTION FOR NEW TRIAL PURSUANT TO RULE 59**

Defendant, Baltimore County [hereinafter “County”], by and through undersigned counsel, moves this Honorable Court, pursuant to Fed. R. Civ. P. 50 & 59, to grant the County judgment as a matter of law or, in the alternative a new trial.

1. That the trial Court committed reversible error by preventing the County from presenting evidence that the Plaintiff applied for and received Social Security Disability Insurance (SSDI) benefits which called into question whether or not Plaintiff was a “qualified individual” under the Americans with Disabilities Act (ADA).

2. That the trial Court committed reversible error by relieving the Plaintiff of the burden of providing a “sufficient explanation” to explain away the apparent contradiction of a total disability SSDI claim and a claim under the ADA that Plaintiff was a “qualified individual” under the ADA.

3. That the trial Court committed reversible error by allowing the jury to speculate and/or guess on the issue of insurance payments in awarding economic damages to the Plaintiff. In response to the jury question “how much money did Baltimore County pay for the employer

contribution to health insurance for a Laborer II for 2010-2016?” The Court permitted the jury to speculate and guess despite the fact that no evidence was presented by the Plaintiff on that issue.

4. That Plaintiff did not present any admissible evidence reasonably justifying an award of non-economic damages of \$298,000.00.

5. That the trial Court committed reversible error by allowing the jury to award monetary damages of \$6,000 based on a claim that the county wrongfully obtained a medical examination or made a wrongful inquiry. Plaintiff presented no evidence of any damages he suffered as a result of these alleged medical-related claims.

Respectfully submitted,
MICHAEL E. FIELD

County Attorney

/s/

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